

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
May 18, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, May 18, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Walter C. Zaremba was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Joe E. Parrish from Seaford Church of Christ gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

**HIGHWAY MATTERS**

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared before the Board to discuss highway matters of interest to the Board of Supervisors. He discussed grass cutting and announced that a service contract had been put into place for the work. The contract includes an eight-cut per season increase. He stated a lot of paving will be taking place, with approximately \$6-7 million to be used in the County. He discussed the Victory Boulevard/Route 134 corridor repaving, and stated the Kay Lane project should be completed within two weeks. He updated the Board on the Seaford Road project and mentioned the Route 199 on-ramp towards Newport News would soon be milled out and closed to traffic. He advised that Victory Boulevard and Old Pond Road have now been patched and will be overlaid soon. He stated he would be presenting a report on the drainage issues later in the meeting.

Mr. Burgett asked about VDOT's traffic-calming program and referred to calls from citizens concerning York Crossing and Constitution Roads. He stated there were complaints of speeding throughout the area, and he asked how the situation should be handled.

Mr. Hicks stated the traffic-calming measures had been revised and explained they are initiated through the Board of Supervisors. He stated he would work with Mark Carter on the matter.

Mrs. Noll mentioned the traffic-calming measures on the Southside of Hampton Roads had worked well for several years.

Mr. Bowman stated he was anxious to have the tall grass cut throughout his district. He mentioned the paving on Seaford Road and questioned the possibility of it being extended down to Seaford Market. He also asked if Back Creek Road was included in the contract.

May 18, 2004

Mr. Hicks stated Back Creek Road was not included, and he then mentioned Mr. Bowman's question from a previous Board meeting regarding Route 17 and Denbigh Boulevard. He explained there was very little VDOT can do to improve that area without significant cost.

Chairman Shepperd thanked VDOT for the ditch repair off Victory Boulevard near Edgewood and mentioned he had received a lot of positive feedback from the residents of his district. He asked when the paving on Victory Boulevard would be finished

Mr. Hicks stated he hoped the paving on Victory Boulevard would be finished next week. He stated VDOT would be sponsoring a job fair soon to advertise new positions.

## **PRESENTATIONS**

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mr. Hicks gave a presentation on the drainage concerns in the County and provided an overview of the VDOT maintenance budget. He stated that of the \$14 million allocated for FY05, \$1.4 million is allocated for drainage, and \$6-7 million is allocated for major overlay projects. In addition to drainage and paving, other projects include rehabilitation to bridges, traffic devices, and roadside management. He elaborated on VDOT's maintenance operations such as grass mowing, traffic control, safety, turn lanes, emergency events, 40 miles of trails, and 2,100 miles of drainage. He described how the projects would be addressed, and he stated there are presently 326 drainage concerns. VDOT is working on a system to measure its success and for citizen response. He listed the guidelines for determining the order in which the complaints should be addressed, and he provided pictures of some of the areas of concern.

## **CITIZENS COMMENT PERIOD**

Mr. Art Bishop, 303 Blair Drive, came before the Board to propose a license plate representing Yorktown. The license plate depicts the Moore House and the York River. He gave some background on some of the historic events in Yorktown and explained the importance of the Moore House to the County's history. Mr. Bishop introduced Jeanne Eichkoff, designer of the plate, who presented a portrait of the proposed license plate to the Board.

Mr. James O'Hara, 706 Main Street, distributed information concerning properties in Yorktown to the Board and discussed his previous meeting with some of the Board members. He stated he thought they were on the verge of a lawsuit, as he sees things differently than the Board members. He stated he feels as though the County is spending millions of dollars on property that is not rightfully theirs. He asked for some advice on how to proceed.

Mr. John Moon, 132 Quaker Meeting House Road, expressed his concern about having an updated plan for emergencies during the hurricane season. He referred to a letter he sent to the Board after Hurricane Isabel on which he never received a response. He described his difficult experiences subsequent to the hurricane, and he read excerpts from his diary kept after the storm. He requested a better means of communication between the County and citizens during such times.

Chairman Shepperd then directed Mr. McReynolds to provide Mr. Moon with the latest update on the County's emergency plan.

## **COUNTY ATTORNEY REPORTS AND REQUESTS**

No report was given this evening.

## **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds asked for volunteers for the wetlands mitigation project in the Lackey area on May 23 at 9:00 a.m. It is hoped that a total of 10,000 plants will be planted that day to establish wetlands in connection with the loss from construction projects. He then reminded the Board of its regular meetings on the 1<sup>st</sup> and 15<sup>th</sup> of June, followed by the only meeting in July scheduled for July 20.

### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll announced that on August 20 Kiln Creek would be the site of the first Marine Sunset parade on the Peninsula. She stated she serves on the Jamestown 2007 Projects Committee which has teamed up with the master gardeners to name a signature tree for the Jamestown 2007 event. The tree will be called the Yorktown Snowflower Tree. She noted she met with the senior government students at Grafton High School to discuss matters of interest. The meeting, sponsored by the York County Youth Commission, was a chance to interact with the students; and she stated there should be more opportunity for these types of interaction. She announced that the schools' arts departments would soon be sponsoring a contest with a historic theme.

Mr. Burgett mentioned that many of the businesses on Route 17 have become very attractive due to the beautification project, yet stated he was concerned about the number of cars for sale along the road. He reminded everyone of the ordinance prohibiting graffiti, and the recent graffiti that occurred at the Tabb Library. He encouraged those who have any knowledge of this crime to come forward. He also mentioned the Youth Commission Town Hall Meetings, stating he felt they were great. He noted he is the Board liaison to the Youth Commission, and he discussed some of its accomplishments. He also noted that Student Shadow day is May 25, and he then welcomed the student shadows present this evening to the meeting. He announced that on May 20 at 5:00 p.m. the Office of Economic Development would put on its Business Appreciation event at the Watermen's Museum.

Meeting Recessed. At 7:51 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 7:59 p.m. the meeting was reconvened in open session by order of the Chair.

### **PUBLIC HEARINGS**

#### **AMENDMENT TO YORK COUNTY CODE: ADDITIONAL TRANSIENT OCCUPANCY TAX**

Mr. Barnett gave a presentation on proposed Ordinance No. 04-8 to amend the York County Code in order to impose and provide for collection of a \$2.00 per room night additional transient occupancy tax in accordance with Section 58.1-3823(c) of the Code of Virginia.

Chairman Shepperd referred to the ordinance and its position that it must be adopted by all three localities—York, Williamsburg, and James City.

Mr. Barnett affirmed that according to the Senate Bill, the ordinance has to be adopted by all three localities.

Mrs. Noll expressed her concern over the fixed dollar amount and stated she could not support the ordinance. She indicated her preference was for the fee to be based on a percentage of the lodging and not a set fee.

Mr. Burgett expressed his support of the proposed ordinance, given that the state has continued to cut its support of the tourist industry over the last several years.

Chairman Shepperd acknowledged that Mrs. Noll had a valid point, but he stated his support of the proposed ordinance.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 04-8 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 21-93 OF THE YORK COUNTY CODE IN ORDER TO IMPOSE AND PROVIDE FOR COLLECTION OF A \$2.00 PER ROOM NIGHT ADDITIONAL TRANSIENT OCCUPANCY TAX IN ACCORDANCE WITH SECTION 58.1-3823 (C) OF THE CODE OF VIRGINIA

There being no one present who wished to speak concerning the subject ordinance, Chairman Shepperd closed the public hearing.

Mr. Bowman then moved the adoption of proposed Ordinance No. 04-8 which reads:

AN ORDINANCE TO AMEND SECTION 21-93 OF THE YORK COUNTY CODE IN ORDER TO IMPOSE AND PROVIDE FOR COLLECTION OF A \$2.00 PER ROOM NIGHT ADDITIONAL TRANSIENT OCCUPANCY TAX IN ACCORDANCE WITH SECTION 58.1-3823 (C) OF THE CODE OF VIRGINIA

WHEREAS, at its 2003/2004 session, the Virginia General Assembly enacted Senate Bill No. 652 which, if signed by the Governor will, effective July 1, 2004, allow James City and York Counties, in addition to transient occupancy taxes levied under §§ 58.1-3819 through 58.1-3822, to levy an additional transient occupancy tax not to exceed \$2 per room for the occupancy of any overnight guest room; and

WHEREAS, said Senate Bill will, by its term expire, if by August 1, 2004 any one of the governing bodies of the City of Williamsburg and the Counties of James City and York fails to adopt an ordinance by such date, imposing such additional tax; and

WHEREAS, the York County Board of Supervisors, after holding a duly advertised public hearing as required by law, deems it in the best interests of the County and its citizens to levy such additional tax;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this 18th day of May, 2004, that section 21-93 of the York County Code, be and it is hereby amended to read and provide as follows:

**Sec. 21-93. Levy; amount of tax.**

- (a) In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to five (5) percent of the total amount paid for room rental by or for any such transient to any hotel.
- (b) In addition to the tax provided for in subsection (a) above, commencing July 1, 2004, and continuing until January 1, 2008 as provided in section 58.1-3823 (C) of the Code of Virginia, there is hereby levied and imposed an additional transient occupancy tax of two dollars (\$2.00) per room night for the occupancy of any overnight guest room rented by a transient. Such additional tax shall be collected from such transient at the time and in the manner provided by this section. The revenues collected from such additional tax shall be designated and expended solely for advertising the Historic Triangle area and shall be distributed and expended as provided in section 58.1-3823 (C) of the Code of Virginia.
- (c) As used herein, "advertising the Historic Triangle area" shall mean advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

On roll call the vote was:

Yea: (3) Bowman, Burgett, Shepperd  
Nay: (1) Noll

APPLICATION NOS. ZM-84-04 AND UP-634-04, KENNETH DALE MOORE C/O MRP, LLC.

Mr. Carter gave a presentation on proposed Application No. ZM-84-04 to reclassify two parcels of land containing approximately 9.01 acres located on Route 17 and Whites Road approximately 250 feet north of the intersection of Whites Road and Route 17 from Single-Family Residential to Limited Industrial; and Application No. UP-634-04 to approve a use permit authorizing auto, truck, boat, and recreational vehicle storage, construction of a mini-storage warehouse facility located at 122 Whites Road and 7307 George Washington Memorial Highway, and to authorize access through a General Business district to a proposed contractor's shop with outdoor/exposed storage at 7307 George Washington Memorial Highway. The Planning Commission considered the applications and forwarded them to the Board of Supervisors with a recommendation of denial; staff recommended approval of the applications through the adoption of proposed Ordinance No. 04-9 and proposed Resolution R04-84.

Mr. Burgett asked about parking construction vehicles on the property, stating he assumed there would be a fence that would block the view from Route 17.

Mr. Carter stated that was correct.

Mr. Burgett asked if any of the vehicles can be parked on the General Business property.

Mr. Carter stated they could not be parked outside, but could be parked inside.

Mrs. Noll expressed concerns about the rate of run-off prior to the land disturbance, and she asked how it is determined.

Mr. Carter explained there were some fairly sophisticated computer modeling programs that are used by the engineers that prepare plans that are then are checked staff.

Mrs. Noll asked if it is checked afterwards to make sure the run-off is the same as it was before.

Mr. Carter indicated he did not think there was any after-the-fact modeling or measuring of the flows.

Mr. Donald Davis, Licensed Surveyor, stated that most localities do not look at the flows after because the site plan determines the impervious areas within the developed area.

Discussion continued concerning the run-off plan.

Mr. John Hudgins, Director of Environmental and Development Services, explained that the review process before and after construction. He stated they do not go out and measure flows; it is an engineering calculation, and staff validates that the actual construction meets the design through the review of as-built drawings.

Mr. Bowman thanked the staff for assisting Mr. Moore and stated he had met with him several times and felt he had a good proposal. He asked if there was a site for the proposed helicopter pad.

Mr. Carter stated a site is yet to be determined. It will be a matter of right, but subject to site plan review.

Mr. Bowman asked about the location of the run-off pond.

May 18, 2004

Mr. Carter stated it would be at the very back of the site, just inside the watershed protection overlay buffer. He further discussed the build-out of the property and explained, if approved, the application is for the entire property, even though the applicant is not obligated to build it all out as mini-warehouses. The applicant would have the opportunity to develop the remainder for other uses allowed in the limited industrial district.

Mr. Bowman asked if all adjacent property owners had been contacted about the proposal, and there were no objections.

Mr. Carter indicated at the time of the Planning Commission he thought the applicant had heard from at least one of the property owners, but either Mr. Moore or Mr. Myers can answer that question.

Chairman Shepperd questioned the Planning Commission's recommendation of denial.

Mr. Carter stated he thought that one of the commissioners who voted against the rezoning was actually in favor of the rezoning except he preferred that the applicant proffer that the buildings that are going to be in the General Business area be as they are depicted on the rendering. That was not done and was probably why he voted against the application.

Chairman Shepperd stated he was surprised with the Commission's focus on drainage, recalling that the County code is rather stringent, particularly on the Peninsula, and above EPA requirements.

Discussion ensued over the drainage issues.

Mr. Arthur Edlow, 102 Nancy Court, one of the owners of the property, appeared before the Board to explain that the situation and type of property had been around for a long time, and they had finally found a way to actually use it. He pointed out the benefits such as the tax revenues, beautification to Route 17, and a place for citizens to have storage. He stated he supported the application.

Mr. Lamont Myers, the applicant's representative, thanked staff for its input on the property. He reminded the Board that he had been trying to find a suitable location for Mr. Moore to expand his business. He presented pictures of neighboring properties and discussed the real estate tax net to the County of \$25,000 per year.

Mr. Dale Moore, the applicant, explained he had sold his contracting business and no longer owned large equipment as in the past. He stated he has no plans for reactivating his construction business. He explained the helicopter pad is something he would use for pleasure, unless it is used for emergencies by the sheriff's department. He indicated he has talked to neighbors who support the proposal and gave his word the building would look like the one proposed.

Chairman Shepperd then called to order a public hearing on Application Nos. ZM-84-04 and UP-634-04 which were duly advertised as required by law. Proposed Ordinance No. 04-9 and proposed Resolution R04-84 are entitled:

Proposed Ordinance No. 04-9:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING APPROXIMATELY 9.01 ACRES ON GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND WHITES ROAD (ROUTE 1216) FROM R20 (SINGLE-FAMILY RESIDENTIAL) TO IL (LIMITED INDUSTRIAL)

Proposed Resolution R04-84:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A MINI-STORAGE WAREHOUSE FACILITY AND AC-

CESS TO A CONTRACTOR'S OUTDOOR STORAGE YARD  
THROUGH THE GB (GENERAL BUSINESS) ZONING DISTRICT

Mr. Bill Baxter, adjacent property owner, spoke against the application. He stated when he purchased the property, it was zoned residential; and turning it into a commercial lot would have a direct impact on his property.

There being no one else present who wished to speak concerning the subject applications, Chairman Shepperd closed the public hearing.

Chairman Shepperd pointed out this was a creative use of the property, and the storage facility would be recessed from Route 17. He mentioned this commercial property would have a positive tax advantage to the community, and he stated he felt this was a very creative use for a piece of property that is difficult for residential use.

Mrs. Noll then moved the adoption of proposed Ordinance No. 04-9 which reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP  
BY RECLASSIFYING APPROXIMATELY 9.01 ACRES ON GEORGE  
WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND WHITES  
ROAD (ROUTE 1216) FROM R20 (SINGLE-FAMILY RESIDENTIAL)  
TO IL (LIMITED INDUSTRIAL)

WHEREAS, Kenneth Dale Moore, c/o MRP, LLC has submitted Application No. ZM-84-04 to amend the York County Zoning Map by reclassifying from R20 (Single-Family Residential) to IL (Limited Industrial) approximately 9.01 acres of land located on George Washington Memorial Highway and Whites Road approximately 250 feet north of the intersection of George Washington Memorial Highway (Route 17) and Whites Road (Route 1216) and further identified as Assessor's Parcel No. 24-133 and a portion of Assessor's Parcel No. 24-128; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 18th day of May, 2004, that Application No. ZM-84-04 be, and it hereby is, approved to amend the York County Zoning Map by reclassifying from R20 (Single-Family Residential) to IL (Limited Industrial) approximately 9.01 acres of land located on George Washington Memorial Highway and Whites Road approximately 250 feet north of the intersection of George Washington Memorial Highway (Route 17) and Whites Road (Route 1216) and further identified as Assessor's Parcel No. 24-133 and a portion of Assessor's Parcel No. 24-128 and more fully described and identified as follows:

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing 9.01± acres, described as follows:

Beginning at a point, said point being located S 66-13-33 W, approximately 284.00 feet from the common corner where the properties of Edlow and Southside Investments LLC meet the westerly right of way of George Washington Memorial Highway; thence from the point of beginning thus established, S 66-13-33 W approximately 342.00 feet to a point; thence S 23-46-27 E, 160.97 feet to a point on the northerly right of way of Whites Road; thence along the northerly right of way of Whites Road S 66-07-06 W, 214.98 feet to a point at the end of Whites Road;

thence along the end of Whites Road S 24-01-49 E, 25.00 feet to a point on the line with Edelin; thence along the property line with Edelin S 65-58-09 W approximately 886 feet to the centerline of a stream and the property of the City of Newport News (watershed property); thence along the centerline of the stream approximately 304 feet in a northerly direction to a point on the southerly boundary of Greene Industrial Park; thence with the line of Greene Industrial Park N 65-04-38 E approximately 1121 feet to a point; thence N 65-59-48 E approximately 247.00 feet to a point on the existing zoning boundary line; thence along the zoning boundary line S 39-36-00 E, 155.42 feet to the point of beginning, containing approximately 9.01 acres.

On roll call the vote was:

Yea: (4) Bowman, Burgett, Noll, Shepperd  
Nay: (0)

Mrs. Noll then moved the adoption of proposed Resolution R04-84 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A MINI-STORAGE WAREHOUSE FACILITY AND ACCESS TO A CONTRACTOR'S OUTDOOR STORAGE YARD THROUGH THE GB (GENERAL BUSINESS) ZONING DISTRICT

WHEREAS, Kenneth Dale Moore, c/o MRP, LLC has submitted Application No. UP-634-04, which requests a special use permit, pursuant to Section 24.1-306 (Category 14, No. 6 and Category 15, No. 4(b)) of the York County Zoning Ordinance, to authorize a 92,500-square foot mini-storage warehouse facility and access to a contractor's outdoor storage yard through the GB (General Business) zoning district on 9.88 acres and located approximately 250 feet north of the intersection of George Washington Memorial Highway (Route 17) and Whites Road (Route 1216) and further identified as Assessor's Parcel Nos. 24-133 and 24-128; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of May, 2004, that Application No. UP-634-04 be, and is hereby, approved to authorize the establishment of a 92,500-square foot mini-storage warehouse facility and access to a contractor's outdoor storage yard through the GB (General Business) zoning district on 9.88 acres located approximately 250 feet north of the intersection of George Washington Memorial Highway (Route 17) and Whites Road (Route 1216) and further identified as Assessor's Parcel Nos. 24-133 and 24-128, subject to the following conditions:

1. This use permit shall authorize a 92,500-square foot mini-storage warehouse facility and access to a contractor's outdoor storage yard through the GB (General Business) zoning district on 9.88 acres and located approximately 250 feet north of the intersection of George Washington Memorial Highway (Route 17) and Whites Road (Route 1216) and further identified as Assessor's Parcel Nos. 24-133 and 24-128.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any construction or land clearing activities on the site. Said site



plan shall be in substantial conformance with the sketch plan titled "Concept Plan; Property to be Rezoned from R20 (Residential) to IL (Limited Industrial)," prepared by Campbell Land Surveying, Inc., and dated 3/1/04, except as modified herein or as may be necessary to comply with site plan review requirements.

3. The mini-storage warehouse facility shall be developed and operated in accordance with the standards set forth in Sections 24.1-483, Standards for all wholesaling and warehouse uses, and 24.1-484, Standards for mini-storage warehouses, of the York County Zoning Ordinance.
4. The hours of operation of the facility shall be limited to 6:00 a.m. to 9:00 p.m. daily.
5. Building design for the mini-warehouses and any office or support buildings associated with the mini-warehouse project shall be consistent with the representative elevations submitted by the applicant on March 11, 2004. All buildings facing George Washington Memorial Highway (Route 17) shall have façades of brick or architectural block with a gable roof line or with a mansard roof design as shown in the elevation.
6. All warehouse bay doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be located along or in the exterior façade of the mini-storage warehouse development.
7. If fencing is utilized around the perimeter of the facility, the fencing facing Route 17 and the southern property boundary abutting the R20 zoning district shall be board-on-board wood, masonry, wrought iron or green or black vinyl-coated chain link, or similar decorative material. The use of theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
8. Outdoor free-standing and building mounted lighting shall be full cutoff luminaires or a decorative luminaire with full cutoff optics in accordance with Illuminating Engineering Society of North America standards. All lighting shall be directed downward and shall not spill over onto adjacent properties or public rights-of-way. Maximum allowable foot-candles at the south and east property lines shall not exceed 0.5 foot-candle, and shall not exceed 0.1 foot-candle along the northern and western property lines. All lighting, except low-level security lighting, shall be extinguished between the hours of 11:00 PM and dawn. In addition, the applicant shall submit a photometric plan, to include manufacturer's specifications for all lighting fixtures, indicating all outdoor lighting on the site as part of the site plan submission process.
9. Building height for the mini-warehouses shall be no greater than fifteen feet (15'), as measured from the finished grade.
10. Notwithstanding provisions of Section 24.1-376(e)(2) of the County Zoning Ordinance, there shall be no reduction of the 200-foot stream buffer paralleling the Poquoson River.
11. Limited storage of vehicles may be permitted as an accessory and incidental activity to the mini-storage warehouse use provided they are restricted to light-duty passenger trucks, passenger automobiles, recreational vehicles and recreational boats. Parking areas for such storage shall be in addition to minimum required parking for the mini-storage warehouse use, and shall be clearly indicated on the approved site plan referenced in Condition No. 2 above.
12. Design of buildings, driveways and access ways shall accommodate turning radius (thirty-three feet (33')) of large fire and rescue apparatus. Adequate water supply, including hydrants if required by the Fire Chief, shall be established for fire suppression operations on the site.
13. Adequate public sewer service shall be established for all proposed facilities on site.

May 18, 2004

14. Access to the outdoor contractor's yard through the GB-General Business District shall be subject to compliance with all standards established and required by the Virginia Department of Transportation with respect to driveway design and turning lane improvements.
15. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Burgett, Noll, Bowman, Shepperd  
Nay: (0)

APPLICATION NO. UP-633-04, COLSON & COLSON CONSTRUCTION CO.

Mr. Carter gave a presentation on Application No. UP-633-04 to amend a previously approved Special Use Permit to allow a driveway connection between the congregate care facility and the entrance on Route 17 that currently serves McDonald's restaurant. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R04-83.

Mrs. Noll asked if there is enough room where it comes out at the Route 17 traffic light because it is usually backed up at that location.

Mr. Carter stated there is, explaining that a traffic study had been completed to analyze the traffic associated with the connection, and it has checked out.

Mr. Bowman asked if the proposed driveway would be completed prior to the construction of the property, or if it would be used as part of the construction entrance.

Mr. Carter stated he was not sure, but he speculated that the construction traffic would come in from Fort Eustis Boulevard.

Discussion ensued regarding the construction entrance of the project.

Chairman Shepperd called to order a public hearing on Application UP-633-04 which was duly advertised as required by law. Proposed Resolution R04-83 is entitled:

A RESOLUTION TO APPROVE AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A DRIVEWAY CONNECTION BETWEEN GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND AN APPROVED SENIOR HOUSING CONGREGATE CARE FACILITY ON FORT EUSTIS BOULEVARD (ROUTE 105)

Mr. Donald Davis, 3630 George Washington Memorial Highway, appeared to represent the applicant, and offered some background on the project.

There being no one else present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Burgett then moved the adoption of proposed Resolution R04-83 which reads:

A RESOLUTION TO APPROVE AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A DRIVEWAY CONNECTION BETWEEN

GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND  
AN APPROVED SENIOR HOUSING CONGREGATE CARE FACIL-  
ITY ON FORT EUSTIS BOULEVARD (ROUTE 105)

WHEREAS, on October 21, 2003, the York County Board of Supervisors adopted Resolution No. R03-169 approving Application No. UP-622-03, which requested a Special Use Permit to authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2; and

WHEREAS, Colson and Colson Construction Company has submitted Application No. UP-633-04, which requests an amendment to the above-referenced Special Use Permit to authorize a driveway connection between the congregate care facility and an existing entrance on Route 17 that currently serves McDonald's restaurant; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of May, 2004, that Application No. UP-633-04 be, and it is hereby, approved to amend the conditions set forth in Resolution No. R03-169, adopted by the Board of Supervisors on October 21, 2003, authorizing a Special Use Permit for the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Yorktown Congregate Care Facility," prepared by Curry Brandaw Architects and dated July 28, 2003, supplemented by the project narrative submitted by the applicant, except as modified herein.
3. Access to Route 17 via a driveway connection from the proposed congregate care facility to the proposed eastern property boundary as depicted on the plan titled "Site Plan: Yorktown Retirement Residence," prepared by Curry Brandaw Architects, dated November 11, 2003 and revised February 16, 2004, shall be permitted.
4. Development of the property shall be subject to the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.

May 18, 2004

5. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, Standards for Senior Housing (Housing for Older Persons), of the Zoning Ordinance.
6. A sidewalk or other walkway shall be constructed to provide safe and convenient pedestrian access from the congregate care facility to the developed commercial property to the east (McDonald's restaurant).
7. The maximum number of resident suites shall be 118.
8. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Fort Eustis Boulevard and adjacent properties and shall incorporate the use of full cut-off luminaires.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that these conditions shall supersede the original conditions of approval set forth in Resolution No. R03-169, adopted by the Board of Supervisors on October 21, 2003.

On roll call the vote was:

Yea: (4) Noll, Bowman, Burgett, Shepperd  
Nay: (0)

#### **MATTERS PRESENTED BY THE BOARD (continued)**

Mr. Bowman reminded the citizens of the Golden Jubilee coming up June 25-27 at York High School, and he invited everyone to attend the event. He added that York High School will be undergoing a major renovation in 2006.

Chairman Shepperd reported on the Chamber of Commerce After Hours program held on May 10. He noted he attended the breakfast meeting at the Chamber of Commerce and discussed a list of projects, including the York County community network. During the month of April there were 97,000 hits on its website in one month. He reported on his meeting with Mr. Zaremba and Mr. O'Hara to discuss his issues. He noted he met with the Historic Triangle Jamestown 2007 Host Committee, and he gave a breakdown of the committee's tasks including training, guest services, marketing promotions, public information, and community activities.

#### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5 and 6, respectively.

On roll call the vote was:

Yea: (4) Bowman, Burgett, Noll, Shepperd  
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

April 1, 2004, Adjourned Meeting  
April 6, 2004, Adjourned Meeting  
April 6, 2004, Regular Meeting  
April 20, 2004, Regular Meeting

Item No. 5. COMMENDATION OF THE 2003-2004 YOUTH COMMISSION: Resolution R04-52.

A RESOLUTION TO COMMEND THE 2003-2004 YORK COUNTY  
YOUTH COMMISSION AND TO EXPRESS THE APPRECIATION  
OF THE BOARD OF SUPERVISORS TO EACH INDIVIDUAL  
MEMBER FOR THEIR DEDICATED SERVICE TO YORK COUNTY

WHEREAS, the Board of Supervisors established the York County Youth Commission in 1983; and

WHEREAS, the following youth,

Aneesh Venkat, Chairman  
Mark Carpenter, Vice Chairman  
Jocelyn Shook, Secretary  
Phillip Burns  
Julia DiVito  
Ben Frisch  
Ian Gallagher  
Patrick Hart  
David Horres  
Kristina Hyatt  
Katherine Kross  
Melissa McReynolds  
Caitlyn O'Hara  
Ashley Tignor  
Chad Vaillancourt

have served with distinction on the 2003-2004 York County Youth Commission; and

WHEREAS, the Board of Supervisors is extremely pleased with the worthwhile activities undertaken by the Youth Commission this past year and wishes to publicly recognize the members for their accomplishments, which include:

Preparing for the year by attending training and teambuilding sessions during a two-day orientation period last August;

Responding to the extensive community-wide cleanup needs from September's Hurricane Isabel by personally volunteering and recruiting friends to assist with the cleanup of trash and debris strewn along the Yorktown Waterfront, which included the recovery and stacking of approximately 5,000 brick pavers from washed out sections of sidewalk;

Further assisting storm recovery efforts by raking and cleaning up yard debris at the homes of two elderly citizens one Saturday morning;

Presenting quarterly activity reports throughout the year to the Board of Supervisors and praying the invocation at each of these meetings;

Distributing American flags and programs during the 2003 Yorktown Day Cele-

bration;

Co-sponsoring the County's fourth annual "Youth Week" event focusing on character development and featuring a nationally known youth speaker who spoke to high school students in assemblies throughout the week;

Publicizing and hosting a community meeting at Tabb High School where this speaker met with parents and teens in the best-attended Youth Week evening session yet;

Partnering with Parks and Recreation to publicize the fourth annual countywide high school ski trip to Wintergreen Ski Resort, that again saw over 100 students signing up and enjoying the day;

Joining Parks and Recreation in co-hosting an afternoon of "Valentine Bingo" at the Senior Center of York, providing prizes and refreshments that were enjoyed by the young and young-at-heart alike;

Assisting the Historical Committee in its welcoming reception for the 2004 exchange students from the County's sister city of Zweibrucken, Germany;

Co-sponsoring the annual Outstanding Youth Awards program with the Board of Supervisors by helping to publicize the program, sending two members to sit on the Selection Committee, and by assisting at the reception honoring the award recipients in early May;

Following up the findings of the Commission's "Survey 2002" by deliberating and seeking ways to increase awareness of the Youth Commission and of its mission to serve as a link between the Board of Supervisors and the County's youth;

Deciding to increase the Commission's visibility and awareness through the placement this May of wooden Suggestion Boxes in each of the County's four public high schools and by helping to design a Youth Commission polo shirt with logo for commissioners to wear to school;

Directly improving communication between the County's youth and some of its elected officials by organizing and hosting the first ever "Town Hall Meetings" in each of the County's public high schools this May where members of the Board of Supervisors and School Board were able to hold meetings with some of the students, discuss youth related issues, listen to youth suggestions and concerns, and answer student questions;

Hosting a second countywide high school social event this year by hosting a Talent Show for York County high school students at Grafton High School in May;

Conducting several Saturday morning road cleanups along Goodwin Neck Road again this year as part of VDOT's "Adopt-a-Highway" program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this the 18th day of May, 2004, that the 2003-2004 York County Youth Commission members be, and they hereby are, congratulated for their dedicated service to York County and commended for an outstanding year;

BE IT STILL FURTHER RESOLVED that the York County Board of Supervisors hereby extends its best wishes for continued success to these leaders of today and tomorrow.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS VILLAS ON SHADY BANKS, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Shady B. L.L.C. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve 84 residential units; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$121,600.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of May, 2004, that the Board approves the extension of the County's public sewer system to serve the proposed development, Villas on Shady Banks, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Shady B, L.L.C. for the proposed extension; such agreement to be approved as to form by the County Attorney.

**NEW BUSINESS**

**APPLICATION NO. YVA-24-04, BEVERLY C. KRAMS**

Mr. Carter gave a presentation on proposed Application No. YVA-24-04 to approve the request of Beverly C. Krams for the construction of an addition and other alterations to the existing residence located at 105 Church Street in Yorktown. The County Administrator and staff recommend approval of this application through the adoption of proposed Resolution R04-87.

Mrs. Noll then moved the adoption of proposed Resolution R04-87 which reads:

A RESOLUTION TO APPROVE THE REQUEST OF BEVERLY C. KRAMS FOR THE CONSTRUCTION OF AN ADDITION AND OTHER ALTERATIONS TO THE EXISTING RESIDENCE LOCATED AT 105 CHURCH STREET IN YORKTOWN

WHEREAS, Beverly C. Krams has submitted an application requesting permission to construct a 370 square-foot single-story addition and other alterations to the existing residence located at 105 Church Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

May 18, 2004

WHEREAS, the Board has determined that the location and design of the proposed addition, porch enclosure and other alterations will be compatible with adjacent properties and structures and consistent with the intent of the YVA – Yorktown Village Activity District.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of May, 2004, that the request of Beverly C. Krams for the construction of a single-story addition and other alterations to the existing residence on property located at 105 Church Street, as described in the County Administrator's report to the Board dated May 4, 2004, be, and it is hereby, approved.

On roll call the vote was:

Yea: (4) Burgett, Noll, Bowman, Shepperd  
Nay: (0)

**CLOSED MEETING.** At 9:12 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions

On roll call the vote was:

Yea: (4) Noll, Bowman, Burgett, Shepperd  
Nay: (0)

Meeting Reconvened. At 9:25 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of May, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Bowman, Noll, Burgett, Shepperd  
Nay: (0)

Meeting Adjourned. At 9:27 p.m. Mrs. Noll moved that the meeting be adjourned sine die.

On roll call the vote was:



Yea: (4) Noll, Burgett, Bowman, Shepperd  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

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Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors